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Amendment
Attorney Docket No. S63.2N-7405-US02

REMARKS

Claims 48, 49, 65, 66, 74, and 75 were found to contain allowable subject matter but were objected to as being dependent upon a rejected base claim. This Amendment is in response to the Office Action dated **October 30, 2003**. In the Office Action claims 46, 47, 50, 53, and 54 were rejected under 35 U.S.C. 102(e) as being anticipated by Pinchasik (6,364,870). Claims 55, 56, 59, 62-64, 67, 70, and 71 were rejected under 35 U.S.C. 102(b) as being anticipated by Morales (5,893,852). Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morales in view of Myers et al. (5,700,285). Claims 60, 61, 68, 69, 72, 73, and 76-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales. Claims 51 and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pinchasik. New claim 80 has been added. Independent claims 46, 55, 63, and 72 have been amended. No new matter has been added. Applicant addresses each of these objections and rejections under paragraph headings which coincide with the paragraph numbering of the Office Action.

(2)

Applicant has provided a new abstract to indicate the claims are directed to a method in accordance with the Examiner's comments.

(3)

Applicant has amended the first paragraph under the heading "Cross-Reference to related Applications" such that -- now patent no. 6,360,577-- has been inserted after "September 22, 1999".

(5)

In the Office Action claims 46, 47, 50, 53, and 54 were rejected under 35 U.S.C. 102(e) as being anticipated by Pinchasik (6,364,870). Claim 46 has been amended to recite that the dies move simultaneously with one another.

This limitation is not disclosed in the Pinchasik reference. The dies of the Pinchasik reference do not move simultaneously with one another. Referring to Figs. 13-15, dies 29 and 30 are moved individually first. If these two dies are not perfectly aligned with one

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another, moving piece 16 will move one of these dies before the other is moved. Then upon coming into contact with dies 31 and 32, dies 31 and 32 will begin to move. Thus, the dies do not move simultaneously in Pinchasik and claim 46 is patentable over the references.

Claims 47, 50, 53, and 54 are dependent upon claim 46 which is believed to be allowable. For at least this reason, claims 47, 50, 53, and 54 are allowable. Applicant respectfully requests that the 102(e) rejection of independent claim 46 and claims 47, 50, 53, and 54 dependant thereof be withdrawn.

(6)

Claims 55, 56, 59, 62-64, 67, 70, and 71 were rejected under 35 U.S.C. 102(b) as being anticipated by Morales (5,893,852). Applicant has amended independent claims 55 and 63 to recite the dies constructed and arranged such that any radial line extending from the center of the aperture to outside the crimper will encounter a movable die. This limitation is not disclosed or suggested in Morales. In Morales a radial line can be drawn from the center of the aperture to outside the crimper without encountering a moveable die. In Morales, a radial line extending from the center of the aperture can pass through the crimper encountering only the non-moveable portions of collar 32, thus not encountering a moveable die.

In addition, the Office Action states that Morales has a plurality of dies 30 arranged to form an iris. Applicant respectfully disagrees. Morales does not have an iris.

In light of the reasons stated above, claims 55 and 63 are believed to be in condition for allowance. Claims 56, 59, and 62 claim dependence on independent claim 55 and are believed to be allowable for at least the same reasons that independent claim 55 is believed to be allowable. Claims 64, 67, 70, and 71 claim dependence on independent claim 63 and are believed to be allowable for at least the same reasons that independent claim 63 is believed to be allowable.

Applicant respectfully requests that the 102(b) rejection of independent claims 55 and 63 and claims 56, 59, 62, 64, 67, 70, and 71 dependant thereof be withdrawn.

(8)

Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Morales

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in view of Myers et al. (5,700,285). The Office Action states that Morales teaches the limitations of claim 55 but does not teach the use of nitinol. The Office Action states that Myers et al teaches the use of a stent made of nitinol. The Office Action further states that it would have been obvious to one of ordinary skill in the art to provide the invention of Morales with a stent made of nitinol in light of the teachings of Myers et al.

As stated above under the heading (6), Morales does not teach all the limitations of claim 55. Myers et al does not teach or suggest these absent limitations. Applicant believes claim 55 is in condition for allowance. As claim 58 is dependent on claim 55, claim 58 is allowable for at least the reasons claim 55 is believed to be allowable.

Applicant respectfully requests that the 103(a) rejection of claim 58 as being unpatentable over Morales in view of Myers et al be withdrawn.

(9)

Claims 60, 61, 68, 69, 72, 73, and 76-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Morales. The Office Action states that it would have been obvious to have used at least 8 or 16 dies. Applicant has amended independent claims 55, 63, and 72 to recite the dies constructed and arranged such that any radial line extending from the center of the aperture to outside the crimper will encounter a movable die. This limitation is not disclosed or suggested in Morales.

Applicant believes claims 55, 63, and 72 are patentable in light of Morales. Claims 60 and 61 are dependent upon independent claim 55 and are patentable for at least the same reasons claim 55 is believed to be patentable. Claims 68 and 69 are dependent upon independent claim 63 and are patentable for at least the same reasons claim 63 is believed to be patentable. Claims 76 and 79 are dependent upon independent claim 72 and are patentable for at least the same reasons claim 72 is believed to be patentable.

Applicant respectfully requests that the 103(a) rejection of claims 60, 61, 68, 69, 72, 73, and 76-79 as being unpatentable over Morales be withdrawn.

(10)

Claims 51 and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable

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over Pinchasik. The Office Action states that it would have been obvious to have used at least 8 or 16 dies. Applicant respectfully disagrees. Claim 46 has been amended to recite that the dies move simultaneously with one another.

As stated above under the heading (5), Pinchasik does not teach all the limitations of claim 46. Pinchasik does not teach or suggest dies that move simultaneously with one another. Thus Pinchasik does not teach or suggest the limitations of independent claim 46. Applicant believes claim 46 is patentable in light of Pinchasik. Claims 51 and 52 are dependent upon independent claim 46 and are patentable for at least the same reasons claim 46 is believed to be patentable.

Applicant respectfully requests that the 103(a) rejection of claims 51 and 52 as being unpatentable over Pinchasik be withdrawn.

(11)

Claims 48, 49, 57, 65, 66, 74, and 75 were found to contain allowable subject matter but were objected to as being dependent upon a rejected base claim. Applicant believes that amended independent claim 46 and independent claims 55, 63, and 72 are in condition for allowance. Claims 48 and 49 are dependent upon independent claim 46 and are patentable for at least the same reasons claim 46 is believed to be patentable. Claim 57 are dependent upon independent claim 55 and are patentable for at least the same reasons claim 55 is believed to be patentable. Claims 65 and 66 are dependent upon independent claim 63 and are patentable for at least the same reasons claim 63 is believed to be patentable. Claims 74 and 75 are dependent upon independent claim 72 and are patentable for at least the same reasons claim 72 is believed to be patentable.

Applicant respectfully requests that the objection to claims 48, 49, 57, 65, 66, 74, and 75 be withdrawn.

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CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 46-79, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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